

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL A. VALENCIA,

Defendant.

No. 1:24-cr-00190-KES-BAM-1

No. 6:24-mj-00014-HBK-1

ORDER RE COMPETENCY
(Doc. 29)

Defendant Michael A. Valencia was charged by indictment on August 1, 2024, with assault on a federal officer with bodily injury, in violation of 18 U.S.C. § 111(a)(1) and (b). Doc. 10. On Sept. 26, 2024, the parties filed a stipulation in Case No. 1:24-cr-0081 agreeing that, based upon the psychiatric examination and report of Dr. A.A. Howsepian, “it appears pursuant to 18 U.S.C. § 4241(d) that there is reasonable cause to believe that Mr. Valencia is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” Doc. 29. The parties request that the court commit the defendant to the custody of the Attorney General pursuant to 18 U.S.C. § 4241(d)(1). *Id.*

The Court held a status conference with the parties on October 7, 2024, and a further hearing on October 28, 2024. The Court has also reviewed the report of Dr. Howsepian, which

1 the defense filed under seal. Doc. 30. The Court finds by a preponderance of the evidence that
 2 defendant is presently incompetent to stand trial, and defendant shall be committed to the custody
 3 of the Attorney General in accordance with 18 U.S.C. § 4241(d).

4 “[T]he Constitution does not permit trial of an individual who lacks ‘mental
 5 competency.’” *Indiana v. Edwards*, 554 U.S. 164, 170 (2008) (citing *Dusky v. United States*, 362
 6 U.S. 402 (1960) (per curiam), and *Drope v. Missouri*, 420 U.S. 162 (1975)). At all times before
 7 conviction, a defendant must have “a rational as well as factual understanding of the proceedings
 8 against him” and “sufficient present ability to consult with his lawyer with a reasonable degree of
 9 rational understanding.” *Id.* (internal quotation marks and emphasis omitted). “A defendant that
 10 ‘lacks the capacity to understand the nature and object of the proceedings against him, to consult
 11 with counsel, and to assist in preparing his defense may not be subjected to a trial.” *United States*
 12 *v. Garza*, 751 F.3d 1130, 1134 (9th Cir. 2014). In determining competency, the court may
 13 consider the defendant's behavior and demeanor in the courtroom in addition to any medical
 14 opinion on his competence. *United States v. Fernandez*, 388 F.3d 1199, 1251 (9th Cir. 2004).
 15 The government has the burden of demonstrating by a preponderance of the evidence that the
 16 defendant is competent to stand trial. *United States v. Frank*, 956 F.2d 872, 875 (9th Cir. 1992).
 17 The government has stipulated that defendant Valencia is presently incompetent to stand trial.

18 The parties have also stipulated to the information set forth in Dr. Howsepian’s report
 19 (Doc. 30). Dr. Howsepian identifies defendant’s primary psychiatric disorder as “Unspecified
 20 Schizophrenia Spectrum and Other Psychotic Disorder, Likely Schizophrenia.” *Id.* at 6. He also
 21 identifies defendant as having as a secondary psychiatric disorder, by history, “Substance Abuse
 22 Disorder.” *Id.* Dr. Howsepian finds that defendant’s “serious, psychotic mental disorder, likely
 23 Schizophrenia, . . . renders him *both* unable to understand the nature and consequences of the
 24 proceedings against him *and* unable to assist his counsel properly in his defense.” *Id.* at 7
 25 (emphasis in original). Defendant’s “symptoms appear continuous with his symptoms at the time
 26 of his arrest and are consistent with someone with a history of chronic severe mental illness.” *Id.*
 27 at 10. Dr. Howsepian concludes that treatment with antipsychotic medications in a controlled
 28 setting in a facility likely will restore defendant to competency. He recommends that defendant

1 “be remanded to a facility in which he can be adequately treated with antipsychotic medications,
2 the treatment of which *would* be expected to restore him to competency.” *Id.* (emphasis in
3 original).

4 Accordingly, the Court finds by a preponderance of the evidence that defendant is unable
5 to understand the nature and consequences of the proceedings against him or to assist properly in
6 his defense and ORDERS:

- 7 (1) Defendant is to be committed to the custody of the Attorney General, pursuant to
8 18 U.S.C. § 4241(d). The Attorney General shall hospitalize defendant for
9 treatment in a suitable facility for a reasonable period of time, not to exceed four
10 months, to determine whether there is a substantial probability that in the
11 foreseeable future defendant will attain the capacity to permit this criminal
12 proceeding to go forward, and, if appropriate, to undergo competency restoration
13 treatment, which may include, as necessary, individual therapy.
- 14 (2) By the end of the four-month period, unless that period is extended by further
15 order of the Court, the director of the facility shall certify whether the defendant’s
16 mental condition has attained the capacity to permit the trial to proceed or whether
17 the defendant’s mental condition has not so improved as to permit the proceedings
18 to go forward. By the same deadline, the mental health professionals acting on
19 behalf of the Attorney General shall prepare a report of their examination of
20 defendant and of his competency status, and this report shall be filed with the
21 Court, with copies to counsel for defendant and the government. The Court will
22 subsequently hold a hearing pursuant to 18 U.S.C. § 4247(d).
- 23 (3) The United States Marshals Service shall arrange for the transportation of
24 defendant at the government’s expense to and from the facility designated by the
25 BOP and such transportation shall be carried out in a way that avoids unreasonable
26 delays.
- 27 (4) Defendant shall cooperate with the persons performing this examination and
28 competency restoration treatment.

1 (5) Pursuant to 18 U.S.C. § 3161(h)(1)(A) and (h)(4), the period of delay resulting
2 from the commitment period and other proceedings related to defendant's mental
3 competency, including any time leading up to and including the Court's hearing
4 concerning defendant's competency following examination, shall be excluded in
5 the computation of time under the Speedy Trial Act, 18 U.S.C. § 3161.
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8 IT IS SO ORDERED.

9 Dated: October 28, 2024


UNITED STATES DISTRICT JUDGE